

Draft Regulations laid before the National Assembly for Wales under section 10(6) of the Regulation and Inspection of Social Care (Wales) Act 2016, for approval by resolution of the National Assembly for Wales.

DRAFT WELSH STATUTORY
INSTRUMENTS

2017 No. (W.)

SOCIAL CARE, WALES

**The Regulated Services (Annual
Returns) (Wales) Regulations 2017**

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 10(1) of the Regulation and Inspection of Social Care (Wales) Act 2016 (“the Act”) requires service providers to submit an annual return to the Welsh Ministers.

Section 10(2) of the Act sets out the requirements for the contents of the annual return.

These Regulations are made under section 10(2)(a)(vii), (viii) and (ix), (3) and (4) of the Act, which enables Welsh Ministers to prescribe the information about training and workforce planning and other information which must be contained in the annual return, to prescribe the form of the annual return and to prescribe the time limit within which the annual return must be submitted to Welsh Ministers.

Regulation 3 requires the annual return to contain information about the arrangements for identifying, planning and meeting the training needs of staff.

Regulation 4 requires the annual return to contain information about the arrangements for recruitment and retention of staff.

Regulation 5 and the Schedule deal with other information about the service provided at each location, which must be contained in the annual return, including information about staffing and about service provision and the specific information required where the service involves the provision of accommodation.

Regulations 6 and 7 require the annual return to be accompanied by a declaration of truth by the service provider and the responsible individual. This will provide evidence of the person responsible for making a statement in the annual return in the event of a prosecution for an offence under section 47 of the Act (false statements).

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.

OR

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Department of Health and Social Services, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

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2017 No. (W.)

SOCIAL CARE, WALES

**The Regulated Services (Annual
Returns) (Wales) Regulations 2017**

Made ***

Coming into force ***

The Welsh Ministers make the following Regulations in exercise of the powers conferred by section 10(2)(a)(vii), (viii) and (ix), (3) and (4) and section 187(1) of the Regulation and Inspection of Social Care (Wales) Act 2016⁽¹⁾.

A draft of these Regulations was laid before the National Assembly for Wales under section 10(6) of that Act and has been approved by a resolution of the National Assembly for Wales.

Title, commencement and application

1.—(1) The title of these Regulations is the Regulated Services (Annual Returns) (Wales) Regulations 2017.

(2) These Regulations come into force on [] April 2019 and apply in relation to Wales.

Interpretation

2. In these Regulations—

“the Act” (“*y Ddeddf*”) means the Regulation and Inspection of Social Care (Wales) Act 2016;

“annual return” (“*datganiad blynnyddol*”) means the annual return which a service provider must

⁽¹⁾ 2016 anaw 2.

submit to the Welsh Ministers in accordance with section 10(1) of the Act.

Information about training

3. An annual return must contain a description of the arrangements in place for identifying, planning and meeting the training needs of staff employed by the service provider in relation to each of the regulated services which the service provider is registered to provide.

Information about workforce planning

4. An annual return must contain a description of the arrangements in place for the recruitment and retention of staff employed by the service provider in relation to the regulated services which the service provider is registered to provide.

Other information

5. An annual return must contain the additional information specified in the Schedule in relation to each of the places at, from or in relation to which a regulated service is provided.

Declaration of truth

6. An annual return must be accompanied by a signed declaration by the service provider confirming that they have read and agree with the information contained in the annual return which relates to the regulated services that the provider is registered to provide.

7. An annual return must be accompanied by a signed declaration by each responsible individual confirming that they have read and agree with the information contained in the annual return which relates to the place at, from or in relation to which they have been designated by the service provider as the responsible individual.

Form of annual return

8. An annual return must be made by completing the form that appears on the relevant page of the Welsh Government's website established for the purpose of informing registered providers of the requirements for preparation and submission of annual returns.

Time limit for submission of annual returns

9. An annual return must be submitted to the Welsh Ministers within 28 days of the end of the financial year to which it relates.

Name

Title of Minister, one of the Welsh Ministers

Date

SCHEDULE Regulation 5

Information to be contained in annual return

General information

1. Contact details.

Information about staffing

2. The name of the manager.

3. The total number of full time equivalent posts (including filled and vacant posts).

4. The number of filled and vacant posts in each of the following categories—

- (a) Manager;
- (b) Deputy Manager;
- (c) Other supervisory staff;
- (d) Nursing care staff;
- (e) Senior social care staff providing direct care;
- (f) Other social care staff providing direct care;
- (g) Domestic staff;
- (h) Catering staff;
- (i) Other types of staff not listed above.

5. If the number of staff employed includes staff of a type not listed in paragraph 4(a) to (h), details of the type or types of such staff.

6. The rate of staff turnover.

7. The types of contractual arrangements on which staff are employed and the number of staff employed on each type of contractual arrangement in each of the categories listed in paragraph 4.

8. The qualifications of staff employed in each of the categories listed in paragraph 4.

9. Details of any relevant training which has been undertaken by staff employed in each of the categories listed in paragraph 4 during the period in which they have been employed by the service provider.

Information about the service provision

10. Details of the scale of charges payable by service users during the last financial year.

11. Details of the languages used in providing the service.

12. Details of any non-verbal communication methods used.

13. The total number of formal complaints made during the last financial year and the proportion of those complaints which were not upheld, partially upheld and upheld.

14. Details of the arrangements made for consulting service users about the operation of the regulated service.

Additional information where the service involves the provision of accommodation

15. The typical shift patterns of staff employed, showing the number of staff in each of the categories listed in paragraph 4(d), (e) and (f) who are on duty during each shift.

16. The number of single bedrooms and shared bedrooms.

17. The number of bedrooms with en suite facilities.

18. The number of communal lounge/dining rooms.

19. The number of bathrooms which have assisted bathing facilities.

20. Details of any outside space to which the residents have access.

21. Details of any other facilities to which the residents have access.